



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.12996 of 2022

1 J.ANBAZHAGAN
2 P.ARULANANDAM

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
SUB INSPECTOR OF POLICE,
B-4, SEVVAPETTAI POLICE STATION,
THIRUVALLUR DISTRICT
CRIME NO.1 OF 2021

[RESPONDENT]

For Petitioners : M/S.R.SASI KUMAR, Advocate for
M/S.G.KAVIYARASU, Advocate

For Respondent : MR.N.MUTHUVEL, Govt. Advocate (Crl. Side)

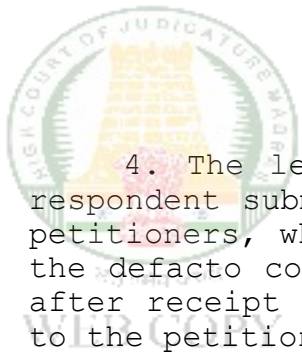
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 324 of I.P.C and Section 4 of Women Harassment Act in Crime No.1 of 2021, seek anticipatory bail.

2. The case of the prosecution is that it is a dispute between the builder and the owner of the property, where the petitioners herein are alleged to have attacked the builder/defacto complainant.

3. The learned Counsel for the petitioners submitted that the petitioners are innocent and they are no way connected with the alleged occurrence. Hence, he prays for granting of anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that it is a dispute between the builder and the petitioners, where the petitioners herein are alleged to have attacked the defacto complainant as he had failed to complete the construction after receipt of money. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the nature of the injury caused and the cause of occurrence, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate - II, Thiruvallur, on condition that the each of the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before respondent police as and when required.

[c] the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.



7. With the above directions, this Criminal Original Petition is ordered.

-sd/-
01/06/2022

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE SUB INSPECTOR OF POLICE,
B-4, SEVVAPETTAI POLICE STATION,
THIRUVALLUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.G.KAVIYARASU Advocate on payment of necessary
charges SR.NO.8432

CRL OP.12996/2022

Date :01/06/2022

JPA 03/06/2022